



**CITY OF SUNNYVALE  
REPORT  
Planning Commission**

**January 9, 2006**

**SUBJECT:** **2005-1020 – Regis Homes of Northern California, Inc.**  
[Applicant] **PTC Partnership** [Owners]: Application for a 7.2-acre site located at **108 South Wolfe Road** (near Evelyn Ave) in an M-3/ITR/R-3/PD (General Industrial/Industrial to Residential/Medium-Density Residential/Planned Development) Zoning District. (APN: 213-02-008)

Motion Special Development Permit to allow the development of 130 multi-family residential units and a Tentative Map to create 130 condominium units.

**REPORT IN BRIEF**

**Existing Site Conditions** The site currently has two one-story industrial buildings surrounded by a parking lot and landscaping.

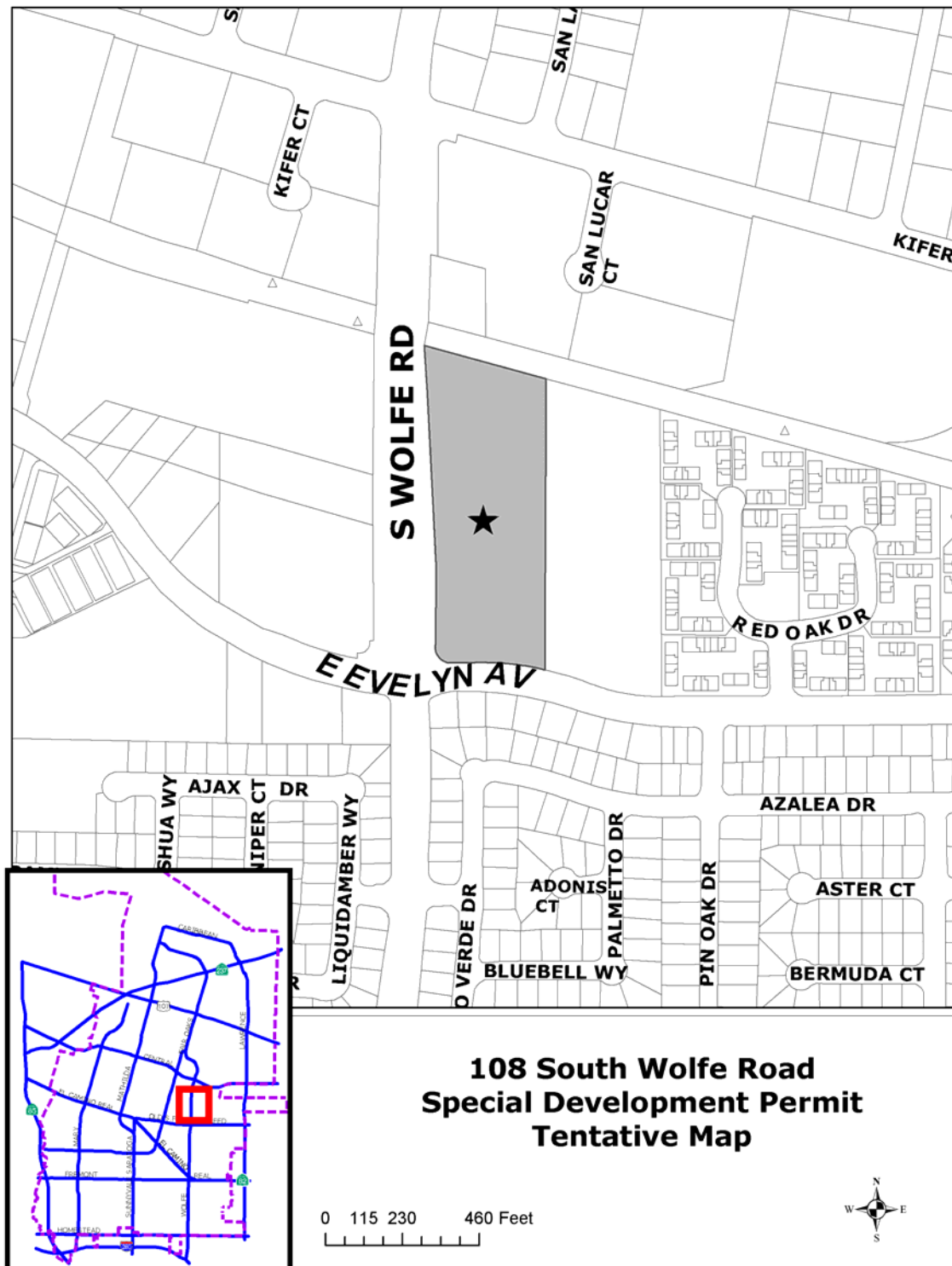
**Surrounding Land Uses**

North	Railroad tracks and industrial uses.
South	Duplex and single family residences.
East	Pine Cone Lumber
West	Wolfe Road and multi-family residential uses.

**Issues** Noise from adjacent uses including roads, railroad, and lumber yard. Setback deviations for the front yard and landscape buffers.

**Environmental Status** A Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act provisions and City Guidelines.

**Staff Recommendation** Approve with Conditions



**PROJECT DATA TABLE**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	ITRMED	Same	
<b>Zoning District</b>	M-3/ITR/R-3/PD	Same	
<b>Lot Size (s.f.)</b>	299,257 sq. ft.	314,366 sq. ft.	8,000 sq. ft. min.
<b>Gross Floor Area (s.f.)</b>	105,600 sq. ft.	215,932 sq. ft.	N/A
<b>Lot Coverage (%)</b>	35%	35%	40% max.
<b>Floor Area Ratio (FAR)</b>	35%	69%	N/A
<b>No. of Units</b>	N/A	130	N/A
<b>Density (units/acre)</b>	N/A	18	24 max.
<b>Meets 75% min?</b>	N/A	Yes	18 min.
<b>Bedrooms/Unit</b>	N/A	Plan 1 – 3 BD-21 Plan 1a – 3 BD-10 Plan 2 – 4BD-59 Plan 3 – 3 BD-40	---
<b>Unit Sizes (s.f.)</b>	N/A	Plan 1- 1,224 s.f. Plan 1a - 1,537s.f. Plan 2 - 1,688 s.f. Plan 3 - 1,552 s.t.	N/A
<b>Lockable Storage/Unit</b>	N/A	300 cu. ft./unit	300 cu. ft. min.
<b>No. of Buildings On-Site</b>	2	24	---
★ <b>Distance Between Buildings</b>	62 ft.	18 ft.	20 feet between single story and 26 feet for 3-level buildings
★ <b>Building Height (ft.)</b>	20 ft.	38 ft.	30 ft. max.
★ <b>No. of Stories</b>	1	3	2 levels max.
<b>Setbacks (Facing Property)</b>			
★ <b>Front (Evelyn Avenue)</b>	128.9 ft.	13 ft. min., average over 20 ft.	15 ft. min., average of 20 ft.

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
★ <b>Front (Wolfe Road)</b>	25.7 ft.	6 ft. min., average over 20 ft.	15 ft min., average of 20 ft.
<b>Right Side</b>	65.5 ft.	18 ft.	6 ft. min. on one side, 15 ft. min. total
★ <b>Rear</b>	61.7 ft.	17 ft. to trash enclosure, 55 ft. to building	20 ft. min.
<b>Landscaping (sq. ft.)</b>			
<b>Total Landscaping</b>	60,000 sq. ft.	110,684 sq. ft.	62,873 sq. ft. min.
<b>Landscaping/Unit</b>	30,000 sq. ft.	851 sq. ft.	425 sq. ft. min.
<b>Usable Open Space/Unit</b>	93,637 sq. ft.	453 sq. ft. per unit	400 sq. ft. per unit min.
★ <b>Frontage Width (ft.)</b>	65 ft.	Down to 13 ft. fronting 4 units, 6 other units over 15 ft.	15 ft. min.
<b>Parking Lot Area Shading (%)</b>	Less than 50%	Condition of Approval to meet 50% requirement	50% min. in 15 years
<b>Water Conserving Plants (%)</b>	Unknown	70% minimum	70% min.
<b>Parking</b>			
<b>Total Spaces</b>	388	331 plus 21 additional tandem spaces)	331 min.
<b>Standard Spaces</b>	379	331	N/A
<b>Compact Spaces/ % of Total</b>	0%	0%	35% max.
<b>Accessible Spaces</b>	9	4	N/A
<b>Covered Spaces</b>	0	229, including all 1 and 2 car garages.	229 min.
<b>Aisle Width (ft.)</b>	unknown	24 ft.	24 ft. min.

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
<b>Bicycle Parking</b>	None	Within each garage (130) and 5 exterior racks	32 spaces
<b>Stormwater</b>			
<b>Impervious Surface Area (s.f.)</b>	254,358 sq. ft.	229,358 sq. ft.	N/A
<b>Impervious Surface (%)</b>	81%	73%	N/A

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

## ANALYSIS

### Description of Proposed Project

The applicant is proposing to demolish two single-story multi-tenant industrial buildings and construct 24 multi-family townhome buildings containing 130 units with attached garages and site plan improvements. On-site improvements include surface parking, walkways, driveways, new landscaping, new walls, trash enclosures, recreational amenities and a community room. The project will include saving existing trees located along the perimeter of the property.

In addition, the project will include a tentative map which will result in the creation 130 condominium units.

### Background

**Previous Actions on the Site:** The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
1967-0301	Use Permit for a Service Station	Denied	1/9/1967
1970-0328	Special Development Permit for condominium project	Approved (never built)	11/19/1970
1974-0231	Special Development Permit for a mini-warehouse	Approved (never built)	6/18/1974

File Number	Brief Description	Hearing/Decision	Date
1976-0337	Special Development Permit for two industrial buildings	Approved	8/9/1976
1985-0263	Miscellaneous Plan Permit for a UPS storage trailer	Approved	12/20/1985
2000-0371	Use Permit for a 10-foot tall wall at the northern end of the site	Approved	7/7/2002

### **Environmental Review**

A Mitigated Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project would not create any significant environmental impacts with implementation of the recommended mitigation measures (see Attachment C, Mitigated Negative Declaration).

Impacts identified include noise impacts from the surrounding streets (Wolfe and Evelyn) and the railroad tracks and industrial use to the east. Noise is currently generated by vehicles, rail uses and industrial uses. Mitigation includes the use of double pane windows with a minimum sound transmission level and the construction of a low wall along Wolfe Road.

The site is currently an industrial use and located near other industrial uses, thus, the potential for groundwater contamination. The California Regional Water Quality Control Board issued a "comfort letter" on March 10, 2005, that stated there are low concentrations of chemicals in the groundwater and soil at the site. The concentrations do not indicate a contaminant release and falls well below Environmental Screening Levels for suitability of sites for residential development.

### **Special Development Permit**

**Detailed Description of Use:** The proposed project utilizes a vertical floor plan that generally incorporates a garage on the first floor, living area (including kitchen) on the second floor and bedrooms on the top level. Plan 1, 1a and 3 all are three bedroom units, while Plan 2 is a 4 bedroom floor plan. Plan 2 includes the additional bedroom on the 2<sup>nd</sup> floor. Based on a project proposal of 130 units, the project is required to provide 16 below market rate units to the City.

**Site Layout:** The site has a rectangular shape that is longer from south to north. The project includes a vehicular access entrance from Evelyn Avenue at

the south end of the site. The vehicular circulation of the site includes a loop driveway with dead-end drive aisles off of the loop road. Guest parking is mainly located along the east and northern periphery of the site. The main common open space areas are along the central spine of the property and include a 720 square foot community room, a tot-lot, and walkways with benches along the pathways.

The buildings are arranged in an east-west direction, except towards the rear of the site where it is sited in a north-south direction. Buildings face each other with a paseo, landscaping, and private patios used as a buffer between the buildings. Vehicular access is provided at the rear to the garages through a dead-end driveway.

**Stormwater Management:** The site is over an acre in size and includes redevelopment of the entire site. Because of this the site is required to comply with C.3 stormwater requirements, which includes the installation of mechanical equipment (a CDS unit) to capture and clean runoff before being dispersed off the site. In addition, the applicant is proposing to drain portions of driveways into landscape swales and drain building roofs into landscape areas. Other Best Management Practices (BMP) include a roof over trash enclosures, stenciling of storm water inlets, and ongoing training for the servicing of the mechanical unit.

**Easements and Undergrounding:** The site includes above ground utilities (wires) towards the rear of the site; the project will be required to underground these utilities as part of the redevelopment. As part of the project, the property line will be modified near Wolfe Road. Partial street vacation is requested by the applicant since the amount of Wolfe Road right-of-way is significantly larger than the City will need at this location. In addition, moving the property line will enable the Homeowners Association to maintain landscaping within this area. The new property line is as shown in Attachment D (Tentative Map).

The following Guidelines were considered in analysis of the project site design.

<b>Design Policy or Guideline (Site Layout)</b>	<b>Comments</b>
<b><i>City Wide Design Guidelines</i></b>	
<i>A6: Preserve natural site features such as mature trees, creeks, views, etc. and incorporate into the site design of the new project.</i>	Specific mature trees shall be saved throughout the site and incorporated into the new landscape plan.
<i>A8: Link on-site walkways to the public sidewalk system outside the project for ease of pedestrian access.</i>	The project will re-construct a sidewalk on Evelyn Avenue and will provide pedestrian connections from the interior of the site to the public sidewalks.
<i>B2: Emphasize the pleasant components of the project such as existing trees and views, and disguise its less desirable scenes such as loading and service areas through placement and design of structures and landscaping.</i>	The project places the parking and service areas to the rear where they are shielded by landscaping and buildings.
<i>B11: Define site boundaries by landscaping and bands of decorative paving to announce entry into the site.</i>	The project incorporates decorative accent paving at the main vehicular entrance into the site.
<i>B14: Design multi-building residential complexes to differentiate between private, semi-private and common spaces through building placement, landscaping, gates, etc. Delineate each space for proper use and access by residents.</i>	The private open spaces are delineated by low fences, while common areas will be open and located mainly at the center of the site.

**Architecture:** The proposed architecture utilizes many elements, including gabled roof forms, roof overhangs with brackets, multi-paned windows, detailed wood window trim, and metal awnings at the first level. (see Attachment 4, Elevations). The front elevations propose a mix of stucco, composite shingle and wood siding. Other exterior materials include metal railings, wood corbels, and a composition roof. The front elevation provides a variable wall plane by staggering front setbacks and recessed entries. The rear elevations propose variations in the wall plane by providing a recessed upper level. Since the area is a mix of uses (industrial, residential) there is no overriding architectural theme; staff believes that the proposed architecture is consistent with City-Wide design guidelines. Staff is concerned that the sides and rear of the buildings do not have a well-defined building base. This gives the buildings a top-heavy look; to minimize this, staff is recommending a condition to provide a base on the rear and sides of the buildings.



The proposed building heights are up to 38 feet for the three-story structures, which are above the maximum 30-foot building height and maximum of 2-story buildings. This building height is consistent with other recently approved R-3 residential developments throughout the City. There are two nearby residential developments that have building heights above 37 feet. The project at 730 E. Evelyn Avenue are apartment buildings with heights up to 37 feet and a residential project at 825 E. Evelyn Avenue with building heights up to 40 feet. In addition, to reduce the bulk of the buildings, the architecture includes variable building setbacks and the rooflines and roof height vary along the Evelyn Avenue elevation. Therefore, staff believes that the proposed building height is consistent with the neighborhood and will not have a negative impact on the streetscape.

The proposed 720 square foot community room building is complementary to the residential buildings. However, the roof of the community room building is architecturally different. The proposed roof incorporates a mansard style roof, while the other buildings on the site do not. Since the building is centrally located and visible from the project entrance, staff recommends a condition to have the community building roof to complement the other roofs on the property.

The following Guidelines were considered in the analysis of the project architecture.

<b>Design Policy or Guideline (Architecture)</b>	<b>Comments</b>
<b><i>City-Wide Design Guidelines</i></b>	
<i>B9: Interrupt front facades on large structures by various architectural elements such as trellises, balconies, steps, openings, etc. about every 30 feet to appear smaller in scale.</i>	The project incorporates balconies, setback doorways, and various building pop-outs to break up the structure and give the appearance of a smaller scaled building.
<i>B10: Choose inset, multi-pane windows over a continuous band of single pane windows, to create a sense of scale.</i>	The project incorporates multi-pane windows throughout the project.
<i>C3: Develop a comprehensive architectural theme for multi-building complexes. Unify various site components through the use of similar design, material, and colors.</i>	The project incorporates materials and colors that are similar throughout the entire project. While each building is not identical, there are architectural features that tie all the buildings together.

<b>Design Policy or Guideline (Architecture)</b>	<b>Comments</b>
<i>C5: Buildings shall have three distinct components: base; middle; and top. Define each component by horizontal and vertical articulation.</i>	The building incorporates a middle and a top, however, the base is not a strong component of the architecture. Conditioning the project to incorporate a base feature to the buildings will provide all components.
<i>C9: Include decorative building elements in the design of all buildings. Add more interest to buildings by incorporating changes in wall plane and height, arcades, porticos, trellises, porches, balconies, dormers, windows, opening, etc.</i>	The project incorporates decorative elements including metal railing and awnings, wood corbels and trim. In addition, the project includes changes in wall planes and roof heights.
<i>C10: Repeat design and decorative building elements in all elevations and the roof, not just in the front façade.</i>	The project incorporates 4-sided architecture as design and decorative elements appear on all four sides of the buildings.

**Landscaping:** For multi-family developments of this density there is a minimum requirement that at least 20 percent of the site is landscaped and 425 square feet of landscaping be provided for each unit. The project meets both of these requirements by providing over 110,000 square feet of landscaping, which is approximately 35% of the site and over 846 square feet per unit.

Most of the project frontage meets the 15-foot landscape strip along each street. There are portions along Wolfe Road and Evelyn Avenue where the landscape strip is not met. This only occurs on a small portion of the frontages where the curvature of the streets narrows onto the project site.

To provide a buffer between the adjacent industrial use and the proposed residential use the applicant is proposing to maintain and extend an existing wall and incorporate a landscape buffer along the eastern edge of the property.

There are 112 trees on-site. Of these trees, 72 are protected trees. Protected trees are those that measure 38 inches or greater in circumference when measured at four feet from the ground. The applicant proposes to preserve 33 trees of which 29 are protected trees and are located around the perimeter of the site. The protected trees that are identified for removal are of various species, including Carob, Chinese elm, California black walnut, Canary island pine, Coast redwood, Photinia, and Evergreen ash trees. The reasons for removal are some of the trees are in poor or declining health and the others will

be impacted by the proposed development. The City Arborist agrees with the findings and recommendations of the tree report.

The following Guidelines were considered in analysis of the project landscaping.

<b>Design Policy or Guideline (Landscaping)</b>	<b>Comments</b>
<b>City-Wide Design Guidelines</b>	
<i>A2: Preserve and incorporate existing natural features, particularly trees, on a site into the landscape design of projects (Tree Preservation Ordinance)</i>	The project includes the preservation of 33 trees.
<i>A4: Properly landscape all areas not covered by structures, driveways, and parking.</i>	The landscape plans shows a full landscape treatment for the site, with only parking spaces, driveways and pathways not landscaped.
<i>A5: Landscaping shall always consist of live plant material. Use of colored rock, wood bark, and gravel in place of landscaping is not acceptable.</i>	The project does not use any colored rock, wood bark or gravel in place of live plant material.
<i>A7: Install a minimum of one tree for every 300 square feet of landscaping. Minimum tree size is 15 gallon (Section 19.46.050i). Certain percentage of trees shall be specimen size.</i>	The applicant is proposing to retain and add trees to the site which exceeds the ratio.
<i>A10: Use of appropriate native vegetation is encouraged. Use water conserving plant material in 70% of all landscaped areas.</i>	The project will use at least 70% water conserving plant material.
<i>A12: Install street trees along street side of projects according to the Department of Public Works requirements.</i>	The applicant will install City approved street trees along Evelyn Avenue.
<i>B1: Provide a minimum of a 15 feet wide landscape strip along the public street side of all developments, except for single-family residences.</i>	The landscape plans shows a minimum of 15 feet of landscaping from the back of sidewalk and curb to the project. In most cases, it exceeds the 15 foot wide requirement.
<i>D7: Landscape at least 20% of the parking area.</i>	The applicant has exceeded the 20% parking lot landscape requirement.

<b>Design Policy or Guideline (Landscaping)</b>	<b>Comments</b>
<i>D9: Provide a minimum of one tree for every 7 parking stalls (Section 19.46.050d). Always combine trees with shrubs or ground cover in islands.</i>	The project incorporates 2 trees within every six parking spaces.

**Open Space:** For multi-family projects of this type, the requirement for usable open space is 400 square feet per unit. For 130 units, this equals 52,000 square feet. As proposed, the project is providing over 58,000 square feet of usable open space. This is provided through landscape areas in the central portion of the project, including the pedestrian pathways. The other major component of the usable open space areas on the site are the private patios fronting every unit.

Approved in October 2005 by the City Council, was the requirement for multi-family residential project over 50 units to provide a community room. For projects that include over 100 units, a community room must be a minimum of 450 square feet, exclusive of the required kitchen and bathrooms. To meet this requirement, the applicant is proposing a community building that meets this requirement and includes a kitchen and bathroom for an overall building size of 720 square feet.

The following Guidelines were considered in analysis of the project landscaping.

<b>Design Policy or Guideline (Open Space)</b>	<b>Comments</b>
<b>City-Wide Design Guidelines</b>	
<i>C1: Design every project site for maximum utility of open space for ventilation, sunlight, recreation and views for both new and existing building.</i>	The main common open space area is aligned in a north to south direction and is unobstructed by structures, thus, allowing the maximum amount of sunlight into the area.
<i>C4: Provide private usable open space areas for each unit and common usable open space for all units in attached single and multi-family residential units.</i>	Each unit has an attached patio that provides usable open space. In addition, pedestrian walkways are provided from each unit to all common open space areas.
<i>C6: Provide direct access from the living unit to private open space.</i>	Direct access is provided from the interior of the unit into the private patio area.

**Parking/Circulation:** The site circulation includes one entrance off of Evelyn Avenue and loops the site. There is an emergency vehicle access off of Wolfe

Road onto the site. Dead-end driveways extend from the loop road. The dead end driveways are used by the residents to access the garages at the rear of the units. The loop driveway helps to facilitate access for garbage and fire vehicles. Surface parking is located along the driveway off of the Evelyn Avenue entrance and is located along the loop driveway at the rear and eastern sides of the property. The project is meeting the City's parking requirement through the use of garages and uncovered surface parking.

The project site is located at the intersection of Wolfe Road and Evelyn Avenue. Because the site is deep, but not very wide, vehicular access to the site is restricted; it is further restricted since the site is in close proximity to the street intersection. At the beginning of the planning process, staff encouraged the applicant to locate the entrance as far away from the intersection as possible. The applicant moved the vehicular access as far away as possible so as to minimize impacts to the intersection and to the neighboring property driveway. To make the project entrance as safe as possible, staff is recommending a condition of approval to configure the driveway as right in and right out only.

The following Guidelines were considered in analysis of the project parking and circulation.

<b>Design Policy or Guideline (Parking)</b>	<b>Comments</b>
<b><i>City Wide Design Guidelines</i></b>	
<i>A6: Avoid parking in required setback areas to maintain landscape strips along project boundaries.</i>	The project does not have parking within the front yard areas. The project includes landscape strips along all four sides of the property.
<i>A9: Large developments shall provide sufficient bicycle parking and covered lockable racks close to building entrances.</i>	The project provides bicycle racks interspersed throughout the project site.

**Compliance with Development Standards/Guidelines:** The project meets all Sunnyvale Municipal Code Development standards except for the following:

Development Standard Deviation	Justification
Internal building setbacks down to 18 feet from the required 26 feet for a three level building.	Staff can support the internal building setback because this deviation only occurs in one location on the site and only affects 2 of the 130 units. In addition, the reduction does not affect units that face each other; one unit faces the side of another unit, thus reducing the impact of the reduced setback. The area between the two buildings will be landscaped which will provide additional privacy for the affected units.
Front yard setbacks down to 13 feet along Evelyn Avenue and 6 feet along Wolfe Road from a minimum setback of 15 feet and a 15-foot front yard landscape buffer down to 13-feet.	Staff can support the reduced front yard setbacks and the 15-foot front yard landscape buffer. The front yard setback deviation only occurs on a portion of the site along both Evelyn Avenue and Wolfe Road. It occurs where the site narrows down due in part to the curvature of both roadways. The majority of the site meets the front yard setbacks and in the areas where it does not meet the requirements, there is landscaping to provide an additional buffer from the property line.
Rear yard setbacks down to 17 feet from a 20-foot requirement.	The reduced rear yard setback, from 20 feet to 17 feet, is due to the location of two trash enclosures and does not involve any of the residential buildings. This is the ideal location for the enclosures since it is located away from any living units and provides easy access for service vehicles.

Development Standard Deviation	Justification
Maximum building height of 30 feet, up to 38 feet and number of stories of 2, up to 3 stories	The other deviation is to exceed the maximum allowable building height from 30 feet to 38 feet and the number of stories from two to three. Staff can support this deviation, since there are other residential projects in the immediate vicinity that have similar heights and number of stories. Deviations for height have been approved for most of the R-3 developments approved in the last few years throughout the City. In addition, the applicant is proposing to reduce the bulk of the buildings by using variable building setbacks, rooflines, and roof heights.

**Expected Impact on the Surroundings**

The site is bordered by streets on the south and west end of the project. To the north are railroad tracks and to the east is an industrial use. Despite the height of the building, there will not be any impacts onto neighboring properties. There are single level residential uses across Evelyn Avenue; however, because the project is over 80 feet away, with landscaping in-between, privacy will not be impacted. The project will have a net decrease of peak hour trips, which will reduce impacts to surrounding streets and intersections.

**Tentative Map**

**General:** The tentative map proposes the creation of 130 condominium units and the adjustment of the property line along Wolfe Road. The applicant is proposing to align the property line to be more consistent with the existing right-of-way of Wolfe Road.

For the R-3 zoning district, the minimum land area for each unit is 1,800 square feet. As proposed the amount of land for each unit is approximately 2,400 square feet. Staff recommends Condition of Approval No. 5 requiring the formation of a homeowners association and CC&R's allowing for the joint use and maintenance of all common areas.

**Right of Way and Undergrounding:** The applicant will create a new driveway off of Evelyn Avenue and will replace the curb and gutter and construct a new sidewalk along Evelyn Avenue up to Wolfe Road. In addition, the applicant is required to underground proposed service drops and existing overhead utilities at the rear of the lot.

**Park In-Lieu Fee:** The developer will be required to pay Park In-Lieu fees prior to approval of the Final Map by the Director of Public Works (See Condition of Approval No. 20.F)

### **Transportation Impact Fee**

This project is not subject to any Transportation Impact Fees because the existing industrial and office uses generate more peak hour trips than the 130 new residential units.

### **Fiscal Impact**

---

No fiscal impacts other than normal fees and taxes are expected.

### **Public Contact**

---

There was a community meeting attended by 5 people held by the applicant at the Community Center on October 25, 2005. Comments raised at this meeting included the possibility of having a mixed use component on the site, traffic concerns, and construction noise and dust impacts. The site is zoned to convert to residential use and was not anticipated to have commercial uses at this site. As part of the project submittal, a traffic analysis was completed for the project. It was determined that the project would not have traffic impacts and is expected to generate less vehicle trips than the existing industrial/office use. During construction activities the project will implement best management practices to minimize noise and dust impacts.

**Planning Commission Study Session:** A study session was held on December 12, 2005. At the meeting, the Commission identified concerns and issues in regards to the project. Comments are grouped into the following topics.

1. The Commission identified concerns with the symmetrical use of colors on the proposed project buildings. In response to the Commissions concerns the applicant revised the color scheme that mixes the colors of the building and removes the symmetrical color pattern.
2. Vehicular circulation was identified as a concern, mainly with having the single entrance located in somewhat close proximity to the Evelyn and Wolfe Road intersection. A submitted traffic study did not identify any impacts associated with the location of the driveway. The study did identify that



during infrequent periods vehicle stacking from the traffic intersection could block the entry into the project site. To minimize impacts from the proximity to the intersection, staff is recommending conditioning the project to only allow right turn in and out movements from the site to address this concern.

3. The Commission commented that the vehicular access may be better located at the far eastern end of the project site. This concern was identified from staff early in the process; however, the applicant has noted that from a site planning standpoint, it is better suited to have the access centrally located on the site. The entrance will have an enhanced appearance when residents and visitors access the site as the sides will be equally landscaped and will open up to an open space area in the middle of the site. In addition, having a driveway at the eastern end of the site may cause traffic conflicts with the Pine Cone Lumber driveway as they will be adjacent to each other.
4. The treatment of landscaping and open space in the area adjacent to the Wolfe Road overpass was also discussed. The Commission noted that large, native specie trees should be used in this area. In addition, the Commission wanted better use of this area in regards to usable open space. In response to this comment, the applicant is proposing a trail and landscape improvements in this area and has agreed to fill in gaps within the trees with native tree species.
5. The Commission also was concerned about noise impacts onto the site, mainly from the adjacent industrial business (Pine Cone Lumber) to the east. The acoustical report submitted by the applicant identified mitigation measure in regards to noise impacts and will be incorporated into the project. In addition, while the landscape setback in this area is 8 feet rather than the required 10 feet, the living units are effectively setback more than 30 feet due to the location of parking and a drive-aisle. In addition, there is a soundwall currently separating the property site and the project will extend this wall further south to Evelyn Avenue.
6. The Commission also mentioned potential shading impacts from the Wolfe Road overpass onto the property. While the overpass is approximately 40 feet tall at its highest point and 70 feet away from the nearest residential unit, compared to the height of the proposed buildings, it is only a couple of feet taller. In addition, there are existing trees that are taller than the Wolfe Road overpass and the applicant is proposing to save the trees. The overpass shadows will be inconsequential due to the taller height of the existing trees.
7. The Commission asked for clarification of guest parking. Staff has included a condition of approval (14.A) requiring 25% of all unassigned parking to be designated as "guest" parking.

<b>Notice of Negative Declaration and Public Hearing</b>	<b>Staff Report</b>	<b>Agenda</b>
<ul style="list-style-type: none"><li>• Published in the <i>Sun</i> newspaper</li><li>• Posted on the site</li><li>• 267 notices mailed to the property owners and residents within 300 ft. of the project site</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City of Sunnyvale's Website</li><li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City's official notice bulletin board</li><li>• City of Sunnyvale's Website</li><li>• Recorded for SunDial</li></ul>

---

**Conclusion**

---

**Findings and General Plan Goals:** Staff was able to make the required Findings based on the justifications for the Permit. Findings and General Plan Goals are located in Attachment A.

**Conditions of Approval:** Conditions of Approval are located in Attachment B.

---

**Alternatives**

---

1. Adopt the Mitigated Negative Declaration and approve the Special Development Permit and Tentative Map with attached conditions.
2. Adopt the Mitigated Negative Declaration and approve the Special Development Permit and Tentative Map with modified conditions.
3. Adopt the Mitigated Negative Declaration and deny the Special Development Permit and Tentative Map).
4. Do not adopt the Mitigated Negative Declaration and direct staff as to where additional environmental analysis is required.

## **Recommendation**

---

Alternative 1.

Staff recommends adoption of the Mitigated Negative Declaration and approval of the project because the project will be adding 130 housing units to Sunnyvale. The project will remove industrial space from the City; however, this area was identified to be residential since it has the ITR (industrial to residential) designation. The project will be mitigating all of the noise impacts, will be providing open space and amenities for the residents on the site, and is providing below market rate units. In addition, the deviations requested by the applicant will not negatively affect the project as the deviations are necessary and where requested are being minimized through landscaping, site planning or other measures to reduce the impact of the deviations.

Prepared by:

Troy Fujimoto, Associate Planner  
Project Planner

Reviewed by:

Andrew Miner, Principal Planner  
Principal Planner

Reviewed by:

Trudi Ryan  
Planning Officer

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Mitigated Negative Declaration
- D. Site and Architectural Plans

**Recommended Findings - Special Development Permit**

---

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale. *(Finding met)*

**Land Use and Transportation Element**

*Policy C2.2: Encourage the development of ownership housing to maintain a majority of housing in the city for ownership choice.*

*Action Statement C2.4.1: Locate higher density housing with easy access to transportation corridors, rail transit stations, bus transit corridor stops, commercial services and jobs.*

*Action Statement N1.4.1: Require infill development to complement the character of the residential neighborhood.*

*Action Statement N1.4.4: Promote small-scale, well-designed, pedestrian-friendly spaces within neighborhoods to establish safe and attractive gathering areas.*

**Housing and Community Revitalization Sub-Element**

*Policy A.2: All new residential developments should build at least 75 percent of permitted zoning density.*

*Policy C.1: Continue efforts to balance the need for additional housing with other community values, such as preserving the character of established neighborhoods, high quality design, and promoting a sense of identity in each neighborhood.*

*Goal D: Maintain diversity in tenure, type, size, and location of housing to permit a range of individual choices for all current residents and those expected to become city residents.*

*Policy E.1a: Continue the Affordable Housing requirements in the zoning code.*

The proposed project provides 130 additional housing units including 16 BMR units and eases the City's jobs/housing imbalance with the additional housing and replacement of employment producing land uses. The design is appropriate for the area and provides a compatible transition of use and a high quality living environment for its future residents. The project meets the General Plan Goal of providing at least 75% of the permitted number of residential units.

2. The proposed use ensures that neither the general appearance of proposed structures, nor the proposed uses will impair the orderly development of, or the existing uses being made of, adjacent properties.  
*(Finding met)*

The proposed site design meets the City-Wide Design Guidelines. In addition, the proposal meets the parking requirement while minimizing paving visible from the street.

**Recommended Findings - Tentative Map**

---

In order to approve the Tentative Map, the proposed subdivision must be consistent with the general plan. **Staff finds that the Tentative Map is in conformance with the General Plan.** However, if any of the following findings can be made, the Tentative Map shall be denied. Staff was not able to make any of the following findings and recommends approval of the Tentative Map.

1. That the subdivision is not consistent with the General Plan.
2. That the design or improvement of the proposed subdivision is not consistent with the General Plan.
3. That the site is not physically suitable for the proposed type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.
8. That the map fails to meet or perform one or more requirements or conditions imposed by the "Subdivision Map Act" or by the Municipal Code

Staff was not able to make any of the findings (1-8), and recommends approval of the Tentative Map.

**Recommended Conditions of Approval - Special Development Permit /Use Permit**

---

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

**SPECIAL DEVELOPMENT PERMIT CONDITIONS****1. GENERAL CONDITIONS**

- A. Execute a Special Development Permit document prior to issuance of the building permit.
- B. The Special Development Permit shall be null and void two years from the date of approval by the final review authority at a public hearing, if the approval is not exercised, unless a written request for an extension is approved prior to the expiration date.
- C. The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building Permit for this project. Building Permit plans shall be accompanied by an annotated set of the conditions of approval indicating how the project complies with each condition.
- D. Any major use, site or architectural plan modifications shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing except that minor changes of the approved plans may be approved by staff level by the Director of Community Development.
- E. Once this Special Development Permit is exercised, all previously approved permits shall be null and void with no further action required by any reviewing authority.
- F. Specific deviations allowed with this Special Development Permit are permitted in accordance with approved plans and include:
  1. Distance between on-site buildings of 18 feet.
  2. Maximum height of 38 feet as measured from top of curb.
  3. Number of stories (3).
  4. Minimum front yard setback on Evelyn Avenue of 13 feet and 6 feet on Wolfe Road.

5. Minimum rear yard setback of 17 feet.
6. Minimum landscape frontage width of 13 feet.
7. Minimum landscape buffer to non-residential uses of 8 feet.
- G. An Impervious Surface Calculation worksheet is required to be completed and submitted for the California Regional Water Quality Control Board prior to issuance of a Building Permit.
- H. A third party certified stormwater plan shall be submitted at the time of submittal for building permits. The plan is subject to approval by the Director of Community Development. The building permit improvement, landscape, and grading plans shall include a statement of no conflict from the certified stormwater engineer in accordance with an approved stormwater management plan.
- I. Design and construct a right turn in and right turn out only curb island at the main entrance to the site off of Evelyn Avenue, to the approval of the Director of Community Development.

## **2. ENVIRONMENTAL MITIGATION MEASURES**

- A. In addition to complying with applicable City Codes, Ordinances, and Resolutions, the following mitigation measures are incorporated into the project to minimize the identified potential environmental impacts:

*MITIGATION MEASURE #1: A minimum three (3) foot tall soundwall shall be constructed along Wolfe Road from Evelyn Avenue north to the Wolfe Road Bridge.*

*MITIGATION MEASURE #2:*

- A. *Install windows and glass doors rated minimum Sound Transmission Class (STC) 29 at all noise impacted living spaces as noted below:*
  1. *All windows and glass doors of first, second, and third floor living spaces within 200 feet of the centerline of Evelyn Avenue and with a direct or side view of the road.*
  2. *All windows and glass doors of first, second, and third floor living spaces within 225 feet of the centerline of Wolfe Road and with a direct or side view of the road.*
  3. *All windows and glass doors of living spaces within 190 feet of the centerline of the UPRR/Caltrain tracks and with a direct or side view of the railroad (soundwall).*

*MITIGATION MEASURE #3:*

- A. *Install windows rated minimum Sound Transmission Class (STC) 29 at first floor bedrooms within 115 feet of the centerline of the railroad tracks. Install windows and glass doors rated minimum*



*24 STC at other living spaces within 115 feet of the centerline of the railroad tracks.*

- B. Install windows rated minimum STC 36 at second and third floor bedrooms within 115 feet of the center line of the railroad tracks. Install windows rated STC 29 at second and third floor bedrooms between 115 feet and 190 feet of the centerline of the railroad tracks.*
- C. Install windows and glass doors rated minimum STC 31 at second and third floor other living spaces within 115 feet of the centerline of the railroad tracks. Install windows and glass doors rated minimum STC24 at second and third floor bedrooms between 115 and 190 feet of the centerline of the railroad tracks.*

**MITIGATION MEASURE #4:**

- A. While individual windows are not require to be permanently affixed, mechanical ventilation systems are required for all units to ensure high level of comfort for homeowners with or without closed windows that attenuate sound levels.*
  - B. If any openings are created in the building shell, a qualified acoustician shall be consulted and recommendations shall be implemented to maintain the acoustical integrity of the building.*
  - C. Sliding window panels must form an air-tight seal when in the closed position and the window frames must be caulked to the wall opening around their entire perimeter with a non-hardening caulking compound to prevent noise infiltration. Exterior doors must seal air-tight around the full perimeter when in the closed position.*
  - D. Because dual-pane window assemblies have inherent noise reduction problems because of the air space between the panes and because different manufacturers have different capabilities, an acoustical test report of all sound rated windows and doors shall be reviewed by a qualified acoustician to ensure that the selected windows and doors will adequately reduce noise levels to acceptable levels.*
  - E. To ensure that construction meets the acceptable noise levels, post construction sound readings shall be made in the affected areas to ensure proper noise levels. If noise levels are exceeded, corrective action to bring noise down to acceptable levels will be required.*
- B. Submit plans for approval by the Director of Community Development showing the design and method by which continuous or recurrent noise will be buffered.**
  - C. Final construction drawings shall incorporate all noise mitigation measures as set forth under "Mitigation Measures."**
  - D. Provisions of Title 25 of the California Administrative Code shall be satisfied with dependence on mechanical ventilation.**

- E. Final plans shall bear the consultant's signature.
- F. Acoustical tests shall be performed by the developer to demonstrate that an interior Ldn scale (day and night average noise level) of 45 dBA is met on the finished units. Such test results shall be furnished to the Director of Community Development prior to occupancy of the units.

**3. COMPLY WITH OR OBTAIN OTHER PERMITS**

- A. Obtain necessary permits from the Department of Public Works for all proposed off-site improvements.

**4. BMR (BELOW MARKET RATE UNITS)**

- A. Comply with Below Market Rate Housing (BMR) requirements as noted in SMC 19.66.
- B. The project will provide 16 Below Market Rate ownership dwelling units in compliance with SMC 19.66.
- C. The developer shall submit a site plan to the Housing Officer for review. The plan will include a description of the number, type, size and location of each unit on the site. The Housing Officer will then determine the specific units to be obligated as Below Market Rate (BMR) unit(s). (BMR Administrative Guidelines)
- D. Prior to issuance of a building permit, the developer shall execute a Development Agreement with the City to establish the units. The sale price of the BMR unit(s) is established at the time of the execution of the Development Agreement. (BMR Administrative Guidelines)
- E. All BMR dwelling units shall be constructed concurrently with non-BMR units, and shall be dispersed throughout the property and shall reflect the range in numbers of bedrooms provided in the total project and shall not be distinguished by exterior design, construction or materials. (SMC 19.66.020(c))
- F. Sixty days (60) days prior to the estimated occupancy date, the developer shall notify the Housing Division of the BMR units to be available. (BMR Administrative Guidelines)
- G. BMR Ownership Program - Developer and Buyer to execute "Addendum to Purchase Offer" prior to Occupancy Permit and provide copy to City. (BMR Administrative Guidelines)
- H. Ownership Units - Prior to Close of Escrow, a Deed of Trust between the City and the Buyer of the BMR unit shall be recorded to establish resale and occupancy restrictions for a 30-year period.

- I. The original sale price of BMR dwelling units shall comply with sales prices established by the City, which is revised annually. (SMC 19.66.040 (c))
- J. Below Market Rate dwelling units shall be offered for sale only to persons qualified under the terms described in SMC 19.66.040 and 19.66.050 and described more fully in the Administrative Guidelines. (BMR Rental Units / BMR Ownership Program)
- K. Resale of BMR dwelling units shall comply with procedures set forth in SMC 19.66.060.
- L. In the event of any material breach of the Below Market Rate Program requirements and conditions, the City may institute appropriate legal actions or proceedings necessary to ensure compliance. (SMC 19.66.140)
- M. In the event that any of the Below Market Rate dwelling units or a portion thereof is destroyed by fire or other cause, all insurance proceeds therefrom shall be used to rebuild such units. Grantee hereby covenants to cause the City of Sunnyvale to be named additional insured party to all fire and casualty insurance policies pertaining to said assisted units. (BMR Administrative Guidelines)

**5. CC&R's (CONDITIONS, COVENANTS AND RESTRICTIONS)**

- A. Any proposed deeds, covenants, restrictions and by-laws relating to the subdivision are subject to review and approval by the Director of Community Development and the City Attorney.
- B. The developer/Owner shall create a Homeowner's Association that comports with the state law requirements for Common Interest Developments. Covenants, conditions and restrictions (CC&Rs) relating to the development are subject to approval by the City Attorney and Director of Community Development prior to approval of the Final Map. In addition to requirements as may be specified elsewhere, the CC&R's shall include the following provisions:
- C. Membership in and support of an association controlling and maintaining all common facilities shall be mandatory for all property owners within the development.
- D. The homeowners association shall obtain approval from the Director of Community Development prior to any modification of the CC&R's pertaining to or specifying the City.
- E. The developer shall maintain all utilities and landscaping for a period of three years following installation of such improvements or until the improvements are transferred to a homeowners

association, following sale of at least 75% of the units, whichever comes first.

- F. The Conditions of Approval of this permit, 2005-1020, shall be included in the CC&Rs.
- G. The CC&Rs shall contain the following language:
  - 1. "Right to Remedy Failure to Maintain Common Area. In the event that there is a failure to maintain the Common Area so that owners, lessees, and their guests suffer, or will suffer, substantial diminution in the enjoyment, use, or property value of their Project, thereby impairing the health, safety and welfare of the residents in the Project, the City, by and through its duly authorized officers and employees, will have the right to enter upon the subject Property, and to commence and complete such work as is necessary to maintain said Common Area. The City will enter and repair only if, after giving the Association and Owners written notice of the failure to maintain the Common Area, they do not commence correction of such conditions in no more than thirty (30) days from the giving of the notice and proceed diligently to completion. All expenses incurred by the City shall be paid within thirty (30) days of written demand. Upon a failure to pay within said thirty (30) days, the City will have the right to impose a lien for the proportionate share of such costs against each Lot in the Project.
  - 2. It is understood that by the provisions hereof, the City is not required to take any affirmative action, and any action undertaken by the City will be that which, in its sole discretion, it deems reasonable to protect the public health, safety and general welfare, and to enforce it and the regulations and ordinances and other laws.
  - 3. It is understood that action or inaction by the City, under the provisions hereof, will not constitute a waiver or relinquishment of any of its rights to seek redress for the violation of any of the provisions of these restrictions or any of the rules, regulations and ordinances of the City, or of other laws by way of a suit in law or equity in a court of competent jurisdiction or by other action.
  - 4. It is further understood that the remedies available to the City by the provision of this section or by reason of any other provisions of law will be cumulative and not exclusive of the maintenance of any other remedy. In this connection, it is understood and agreed that the failure to maintain the

Common Area will be deemed to be a public nuisance and the City will have the right to abate said condition, assess the costs thereof, and cause the collection of said assessments to be made on the tax roll in the manner provided by appropriate provisions of the Sunnyvale Municipal Code or any other applicable law.

5. No Waiver. No failure of the City of Sunnyvale to enforce any of the covenants or restrictions contained herein will in any event render them ineffective.
  6. Third-Party Beneficiary. The rights of the City of Sunnyvale pursuant to this Article will be the rights of an intended third party beneficiary of a contract, as provided in Section 1559 of the California Civil Code, except that there will be no right of Declarant, the Association, or any Owner(s) to rescind the contract involved so as to defeat such rights of the City of Sunnyvale.
  7. Hold Harmless. Declarant, Owners, and each successor in interest of Declarant and said Owners, hereby agree to save, defend and hold the City of Sunnyvale harmless from any and all liability for inverse condemnation which may result from, or be based upon, City's approval of the Development of the subject Property."
  8. Homeowners are prohibited from modifying drainage facilities and/or flow patterns without first obtaining permission from the City.
- H. There shall be provisions for post construction Best Management Practices in the CC&Rs in regards to the final stormwater management plan and ongoing maintenance and reporting requirements.

**6. DESIGN/EXTERIOR COLORS AND MATERIALS**

- A. The plans shall be revised to be consistent with the Design Guidelines to provide the following:
1. All buildings shall provide a base feature (wainscoting) along the side and rear elevations.
  2. Building colors shall provide a greater diversity on all buildings and not be symmetrical in its use.
  3. Modify the roof on the community room to be better integrated with the roof lines of the residential buildings.
  4. All Plan 1a units shall be 3 bedroom units.

- B. Final exterior building materials and color scheme are subject to review and approval of the Planning Commission/Director of Community Development prior to issuance of a building permit.
- C. Foam trim shall be restricted in use to accent elements not traditionally used as wood or other finishes. Any foam base approved for use shall be of high density for durability. The final finish of any approved foam based elements shall provide for a high level of craftsmanship in edging and detailing along with contrasting texture to identify a change of material from the stucco wall finish.
- D. Roof material shall be 50-year warranty dimensional composition shingle or a flat textured tile or better.

**7. EASEMENTS AND DEDICATIONS**

- A. Dedicate all required easements prior to issuance of a Building Permit or Final Map
- B. Apply for and obtain a partial street vacation of a portion of Wolfe Road.
- C. Dedicate any required storm drain/sanitary sewer/water main easements. Install these facilities per Department of Public Works requirements.

**8. EXTERIOR EQUIPMENT**

- A. Individual air conditioning units shall be screened with architecture or landscaping features.

**9. FENCES**

- A. Design and location of any proposed fencing and/or walls are subject to the review and approval by the Director of Community Development.
- B. Such fences may extend along side property lines, but do not extend beyond the front line of the main building on each lot.
- C. Any side yard fence between the building and the public right-of-way shall not exceed three feet in height.
- D. Chain link and barbed wire fences are not allowed.
- E. Install and maintain an 8-foot solid, decorative masonry wall, measured from the highest adjoining grade, of a design approved by the Director of Community Development along the eastern property lines.
- F. A 6-foot tall decorative wrought-iron fence shall be installed adjacent to the underpass area of Wolfe Road to the approval of the Director of Community Development.

- G. Only fences, hedges and shrubs or other natural objects 3 feet or less in height may be located within a “vision triangle” (For definition, refer to Vision Triangle brochure or SMC 19.12.040(16), SMC 19.12.050 (12))

## **10. LANDSCAPING**

- A. Landscape and irrigation plans shall be submitted to the Director of Community Development subject to approval by the Director of Community Development prior to issuance of a Building Permit. The landscape plan shall include the following elements:
1. An enhanced landscape treatment at the vehicular entry into the project site and at the project corner of the Evelyn Avenue and Wolfe Road intersection.
  2. Decorative paving at driveway entries shall be a minimum of 15-feet deep.
  3. Native specie trees shall be inserted into existing gaps of landscaping along the western edge of the project.
- B. Landscaping and irrigation shall be installed prior to occupancy
- C. Provide details, include description of color and materials used for decorative paving (vehicular and pedestrian), for approval by the by the Director of Community Development.
- D. Provide separate meter for domestic and irrigation water systems.
- E. All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition.
- F. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices.
- G. Of new trees installed, 10% shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.
- H. In addition to the above 10% of trees, any “protected trees”, (as defined in SMC 19.94) approved for removal, shall be replaced with a specimen tree of at least 36-inch box size.
- I. At the expense of the subdivider, City staff shall install required street trees of a species determined by the Public Works Department. Obtain approval of a detailed landscape and irrigation plan from the Director of Community Development (SMC 19.38.070) prior to issuance of a Building Permit.
- J. Ground cover shall be planted so as to ensure full coverage eighteen months after installation.

- K. All areas not required for parking, driveways or structures shall be landscaped.
- L. Provide a parking lot shading plan that complies with the 50% shade requirement in 15 years prior to building permit issuance.

**11. TREE PRESERVATION**

- A. Prior to issuance of a Demolition Permit, a Grading Permit or a Building Permit, whichever occurs first, include the approved tree protection plan in the plan set.
- B. Any wall construction shall take protection of tree roots into design consideration.
- C. The tree protection plan shall be installed prior to issuance of any Building Permits, subject to the on-site inspection and approval by the City Arborist.
- D. The tree protection plan shall remain in place for the duration of construction.
- E. Overlay Civil plans including utility lines to ensure that the tree root system is not damaged.

**12. LIGHTING**

- A. Prior to issuance of a Building Permit submit an exterior lighting plan, including fixture and pole designs, for approval by the Director of Community Development. Driveway and parking area lights shall include the following:
  - 1. Sodium vapor (of illumination with an equivalent energy savings).
  - 2. Pole heights to be uniform and compatible with the areas, including the adjacent residential areas. Light standards shall not exceed 18 feet on the interior of the project and 8 feet in height on the periphery of the project.
  - 3. Provide photocells for on/off control of all security and area lights.
  - 4. All exterior security lights shall be equipped with vandal resistant covers.
  - 5. Wall packs shall not extend above the roof of the building.
  - 6. Lights shall have shields to prevent glare onto adjacent properties.
- B. Prior to issuance of a Building Permit submit a contour photometric plan for approval by the Director of Community Development. The



plan shall meet the specifications noted in the Standard Development Requirements.

**13. ON-SITE AMENITIES**

- A. Play equipment and other accessory structures, except as otherwise subject to Planning Commission review, may be allowed by the Director of Community Development subject to approval of design, location and colors.
- B. The tot-lot shall incorporate active play structures on a secured area.
- C. The recreation facilities (tot lot and community room) shall be installed in connection with the first phase.

**14. PARKING**

- A. 25% of all unassigned parking spaces shall be designated "guest" parking and shall be spread throughout the site. All guest-parking spaces shall be reserved and designated for the exclusive use of guests and shall be so marked. No vehicle owned or operated by a resident shall be parked in a guest space.
- B. Indicate all guest parking spaces on the plans. Such spaces shall be clearly designated prior to occupancy in a manner approved by the Director of Community Development.
- C. All garage spaces shall be assigned spaces.
- D. No parking space shall be offered for rent by the property owners or homeowners association.
- E. Garages shall be maintained at all times so as to allow for parking of vehicles.
- F. Unenclosed storage of any vehicle intended for recreation purposes, including land conveyances, vessels and aircraft, shall be prohibited on the premises, except that attached camper bodies and motor homes not exceeding 18 feet in length may be parked on-site in designated parking spaces.

**15. RECYCLING AND SOLID WASTE**

- A. All exterior recycling and solid waste shall be confined to approved receptacles and enclosures.
- B. Solid waste and recycling enclosure shall be of masonry construction and shall be complementary to the exterior design, materials and color of the main buildings.
- C. All recycling and solid waste containers shall be metal or State Fire Marshall listed non-metallic.

**16. ROOF/ROOF SCREENS**

- A. Roof vents, pipes and flues shall be combined and/or collected together on slopes of roof with minimized public views.

**17. SIGNS**

- A. All existing/new signs shall be in conformance with Sunnyvale Municipal Code

**18. UNDERGROUND UTILITIES**

- A. All proposed utilities shall be undergrounded.
- B. Applicant shall provide a copy of an agreement with affected utility companies for undergrounding of existing overhead utilities which are on-site or within adjoining rights-of-way prior to issuance of a Building Permit or a deposit in an amount sufficient to cover the cost of undergrounding shall be made with the City.
- C. If any additional poles are proposed to be added, developer shall have PG&E submit the preliminary plan to Public Works Department for review. City Council shall make the decision if any additional poles are acceptable or not. Under no circumstances shall additional poles be permitted along the frontage of this development.
- D. Install conduits along frontage for Cable TV, electrical and telephone lines in accordance with standards required by utility companies, prior to occupancy. Submit conduit plan to Planning Division prior to issuance of a Building Permit.
- E. Conduit sizing and locations shall be included on street improvement plans. Submit one copy to the Planning Division.
- F. Improvement plans showing conduits for future undergrounding of existing overhead utilities shall be submitted to the Planning Division for review and approval prior to issuance of a Building Permit. Complete installation of conduits prior to occupancy.

**19. MISCELLANEOUS**

- A. Prior to commencement of new construction remove all debris, structures, area light poles, and paving from the site.

**TENTATIVE MAP CONDITIONS**

**20. GENERAL CONDITIONS**

- A. Recordation of Final Map prior to issuance of a building permit.
- B. Full development fees shall be paid for each project parcel or lot shown on Final Map and the fees shall be calculated in accordance with City Resolutions current at the time of payment.

- C. All existing utility lines and/or their appurtenances not serving the project and/or have conflicts with the project, shall be capped, abandoned, removed, relocated and/or disposed to the satisfaction of the City.
- D. Individual utility service metering shall be provided to each unit.
- E. Obtain necessary permits from the Department of Public Works for all off-site improvements including utility line extensions, utility connections, meter locations, driveways, sidewalks, etc.
- F. Pay Park In-lieu fees estimated at \$955,595.50 (\$7,350.75/unit) for 130 units, prior to approval of the Final Map or Parcel Map. (SMC 18.10)
- G. Dedicate private streets as emergency vehicle ingress-egress easements.
- H. Private street names will be provided per the City of Sunnyvale Street Name System, as selected by the Community Development Department.
- I. At the expense of the subdivider, City staff shall install required street trees. Obtain approval of a detailed landscape and irrigation plan from the Director of Community Development (SMC 19.38.070) prior to issuance of a Building Permit.
- J. Construct new sidewalk, curb, and gutter along Evelyn Avenue in accordance with requirements of the City prior to occupancy.
- K. The project is contingent on partial street vacation of Wolfe Road. Street vacation should be completed prior to issuance of Final Map.
- L. Comply with all applicable code requirements as noted in the Standard Development Requirements.